

FILED

JUL 21 2006

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

MAXIMILIANA ROBLES,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 06-71178

Agency No. A95-194-886

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 17, 2006**

Before: B. FLETCHER, HAWKINS and THOMAS, Circuit Judges.

This is a petition for review from the denial of petitioner's application for
cancellation of removal.

Respondent's motion for summary disposition is granted because the
questions raised by this petition for review are so insubstantial as not to require

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

The Immigration Judge found that petitioner was ineligible for cancellation of removal because she failed to meet the ten years continuous physical presence requirement. *See* 8 U.S.C. § 1229b(b)(1)(A). Petitioner does not dispute that she left the United States in June 1991 and did not return until November 1992--a period of more than 90 days--and that she was served with a Notice to Appear in November 2001. *See* 8 U.S.C. § 1229b(d)(1) (period of continuous physical presence ends with service of Notice to Appear); § 1229b(d)(2) (departure from the United States for more than 90 days or 180 days in the aggregate, breaks period of continuous physical presence).

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.